EXPLANATORY MEMORANDUM TO

THE JUDICIAL PENSIONS (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2019

S.R. 2019 No. 26

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of Justice(DoJ) to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under the Public Service Pensions Act (Northern Ireland) 2014 (the Act) and is subject to the negative resolution procedure.

1.3. The Assembly procedure for making amending regulations to the Judicial Pensions Regulations (Northern Ireland) 2015 would ordinarily be by the draft affirmative procedure. However, the Public Service Pensions (Northern Ireland) Act 2014 under which the regulations are made allows the use of the negative procedure if the Pension Board for that scheme has stated that it considers the regulations to be "minor or wholly beneficial". The Department has obtained the agreement of the Northern Ireland Judicial Pension Scheme Pension Board that the proposed amending regulations are "minor or wholly beneficial". Consequently, the Department intends to make the amending regulations for the extension of member contribution rates and earnings thresholds for one year by the negative procedure.

2. Purpose

2.1. The Statutory Rule will amend the Judicial Pensions Regulations (Northern Ireland) 2015 (S.R. 2015 No. 76) by extending the current member contribution rates and earnings thresholds for the Northern Ireland Judicial Pension Scheme for a one-year period from 1 April 2019 until 31 March 2020.

3. Background

3.1. The Judicial Pensions Regulations (Northern Ireland) 2015 ('the 2015 Regulations') make provision for the Northern Ireland Judicial Pension Scheme (NIJPS). The NIJPS was established as part of wider public service pension reform which replaced final-salary schemes with career-average schemes. DoJ is responsible for the scheme.

3.2. NIJPS members are tribunal judiciary. There are 52 members in the scheme.

3.3. Currently, the 2015 Regulations only define the contribution rates which members of the NIJPS are to make to their pensions up until 31 March 2019. The statutory rule which is made with the consent of the Department of Finance will extend current member contribution rates for one year from 1 April 2019 to 31 March 2020.

4. Consultation

4.1. The provisions of section 21 of the Act require that, before making scheme regulations, the Department carry out consultations with such persons (or representatives of such persons) as appear to the Department likely to be affected by them. A consultation was carried out between 30 November 2018 and 25 January 2019 with scheme members and judicial associations and bodies. The Department did not receive any responses to this consultation.

5. Equality Impact

5.1. The draft regulations were screened for impact on equality of opportunity under section 75 of the Northern Ireland Act 1998 and it was determined that an equality impact assessment was unnecessary. A Rural Needs Impact Assessment was carried out which did not identify any potential differential impact on the social or economic needs of rural communities arising from the proposed amendments.

6. Regulatory Impact

6.1. There is no impact on business, charities, social economy enterprises or the voluntary sector. A regulatory impact assessment is not, therefore, necessary.

7. Financial Implications

7.1. The proposed amendments are not anticipated to require additional Departmental funding for the NIJPS. However, as the current legislative provision for member contribution rates will expire on 31 March 2019, failure to introduce the draft regulations to extend the member contribution rates and earnings thresholds, would result in a lapse in the continuity of arrangements for member contributions and a consequential impact on the operation of the scheme and potentially for members' benefits.

8. Section 24 of the Northern Ireland Act 1998

8.1. It is the view of the Department that the draft regulations are in compliance with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. Draft scheme regulations to make provision for the contributions payable by members of the pension scheme under the Judicial Pensions Regulations 2015 are currently before Parliament.

11. Additional Information

11.1. Not applicable.